

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 227, Relating to the failure of a jury to agree unanimously on a sentence in a noncapital criminal case.

H.B. 586, Relating to abolishing the Battleship Texas Commission and transferring jurisdiction of the Battleship "Texas" to the Parks and Wildlife Department.

H.B. 846, Relating to certain oil and gas security interests and product liens.

H.B. 186, Relating to the payment of jurors from a district clerk juror pay account in certain counties.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 299 - By Kothmann: Extending welcome to Emily Crawford, Honorary Page for the Day.

S.R. 300 - By Kothmann: Extending welcome to Renee Garcia, Honorary Page for the Day.

S.R. 301 - By Brooks: Extending welcome to Miss Nikki Burger, Honorary Page for the Day.

S.R. 302 - By Parmer: Extending congratulations to Hugh D. Reed.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:39 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FORTIETH DAY

(Wednesday, March 23, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Ed Triem, Pine Crest Presbyterian Church, Houston, offered the invocation as follows:

O God, we need Your help today.

We face pressures from all sides, we have many demands made upon us, many needs — not enough money. We need Your wisdom in our decisions we make today.

We know You want us to show compassion to those in need and to seek justice for all persons.

Lord, You said we are to remember those who are in prison, as though we are in prison with them. We are to remember those who are suffering as though we were suffering as they are. This is very hard for us to do.

Help us to find ways to alleviate the pain of those who suffered so much — victims of child abuse, domestic violence and alcoholism.

Help to build systems where persons are restored to wholeness and health, and where people can rebuild their lives with dignity and respect and hope for the future.

Give us faith to believe there is no problem that Your wisdom cannot solve.

God, as You have guided us in the past, guide us today to show compassion and to work liberty and justice for all. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 671

On motion of Senator Glasgow and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 671.

CO-AUTHOR OF SENATE BILL 763

On motion of Senator Parker and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 763.

MESSAGE FROM THE HOUSE

House Chamber

March 23, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 304, Relating to jurisdiction to enforce criminal laws in a public park or recreational facility at a water resource development project under the control of the Department of the Army.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 345 (Signed subject to Art. III,
Sec. 49a of the Constitution)

S.B. 589 (Signed subject to Art. III,
Sec. 49a of the Constitution)

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

C.S.S.B. 389 (Read first time)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 283
S.B. 640 (Amended)
C.S.S.B. 108 (Read first time)
C.S.S.B. 338 (Read first time)
C.S.S.B. 7 (Read first time)
C.S.S.B. 542 (Read first time)

Senator Parker submitted the following report for the Committee on Education:

S.B. 612 (Amended)
S.B. 703
S.B. 409
S.B. 833
S.B. 410 (Amended)
S.B. 494
S.B. 763
S.B. 620
C.S.S.B. 91 (Read first time)
C.S.S.B. 652 (Read first time)

Senator Howard submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be Members of the BOARD OF TRUSTEES, EMPLOYEES RETIREMENT SYSTEM OF TEXAS: Jack D. Kyle, Walker County (Appointed by Supreme Court); Gary Roland Rodgers, Travis County.

To be Members of the TEXAS BOARD OF HUMAN RESOURCES: Vicki Garza, Nueces County; J. Livingston Kosberg, Harris County.

To be a Member of the TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS: Macy Kinzel, Nueces County.

To be STATE AUDITOR OF TEXAS: (Appointed by the Legislative Audit Committee) George W. McNiel, Hays County.

To be Members of the TEXAS HEALTH FACILITIES COMMISSION: Sloan L. Kirk, Jr., San Saba County; W. G. (Cotton) Kirklin, Travis County.

To be a Member of the TEXAS OPTOMETRY BOARD: Dr. Barry Joel Davis, Jefferson County.

To be Members of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: Judge Scott J. Bailey, Eastland County; Robert E. Bolen, Tarrant County; Richard D. Brown, Travis County; Cesar Gonzalez, Cameron County; Donald W. Harris, Bexar County; David R. Nance, Jefferson County; Walton Byrd Reedy, Bell County; Louis D. Whitehead, Jeff Davis County.

To be a Member of the COMMISSION ON JAIL STANDARDS: Gayle R. Carden, Hunt County.

To be Members of the STATE BOARD OF MORTICIANS: James Blue Broussard, Jefferson County; Dr. Michael Kearl, Bexar County; Louis Newton Sparkman, Jr., Dallas County.

To be Members of the BOARD OF DIRECTORS, NUECES RIVER AUTHORITY: George A. Finley III, Nueces County; Leslie H. Laffere, Uvalde County; James C. Storm, Nueces County.

To be Members of the STATE BOARD OF PLUMBING EXAMINERS: Stanley J. Briers, Harris County; J. P. Franzen, Dallas County; Edward Lee Smith, Bexar County; Edward A. Tschoepe, Bexar County; William G. Wheeler, Victoria County.

To be Members of the RIO GRANDE VALLEY MUNICIPAL WATER AUTHORITY: Juan Garcia, Willacy County; Joe J. Garza, Cameron County; Ignacia G. Gutierrez, Starr County; William F. Powell, Jr., Hidalgo County; William W. Scurlock, Hidalgo County; Carroll Duncan Stone, Cameron County; Paul G. Veale, Sr., Hidalgo County.

To be Members of the STATE PENSION REVIEW BOARD: John Dean Gorham, Travis County; Norman W. Parrish, Harris County; Dr. Robert Lyle Rouse, Lubbock County.

To be Members of the UPPER GUADALUPE RIVER AUTHORITY: R. H. Holekamp, D.D.S., Kerr County; Darrell G. Lochte, Kerr County; Mrs. Betty Strohacker, Kerr County.

To be Members of the STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS: Joseph C. Kobos, Ph.D., Bexar County; Joe D. Robbins, Bowie County; Elizabeth J. Rohn, Kerr County; Joseph Siegel, Ph.D., Dallas County.

To be Members of the TEXAS STRUCTURAL PEST CONTROL BOARD: David Melass, Brazoria County; Perfecto R. Rodriguez, Fort Bend County.

To be Members of the TEXAS MINING COUNCIL: Linton Barbee, Dallas County; Franklin W. Daugherty, Brewster County; George M. Hail, Jr., Harris County; James Earl Kellum, Dallas County; William R. Kelly, El Paso County; John H. Montgomery, Anderson County; Henry Moak Rollins, Ph.D., Travis County; Edward O. Vetter, Dallas County; Mack Wallace, Travis County.

To be Members of the SABINE RIVER AUTHORITY OF TEXAS: Harold M. Smotherman, Smith County; William J. (Bill) Butler, Orange County; William Y. Rice, Gregg County.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 846, To Committee on Natural Resources.

H.B. 586, To Committee on Natural Resources.

H.B. 227, To Committee on Jurisprudence.

H.B. 186, To Committee on Intergovernmental Relations.

H.B. 176, To Committee on Jurisprudence.

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Mauzy and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1244 by Mauzy Intergovernmental Relations
Relating to the board of hospital managers of the Dallas County Hospital District.

S.B. 1245 by Jones Administration
Relating to the conduct and financing of governor for a day and speaker's day ceremonies.

S.B. 1246 by Washington Jurisprudence
Relating to revision of certain criminal offenses involving injury to or violation of the rights, privileges, or immunities of a prisoner; defining the terms "law enforcement officer" and "in custody" for purposes of those offenses.

S.B. 1247 by Washington Jurisprudence
Relating to the elements of an offense involving injury to or violation of the rights of a prisoner, and defining "in custody" for purposes of those offenses.

S.B. 1248 by Washington Jurisprudence
Relating to a disqualification for being licensed as a peace officer, jailer or guard of a county jail, or a reserve law enforcement officer.

S.B. 1249 by Vale Intergovernmental Relations
Relating to the creation, jurisdiction, terms, judges and other personnel, and practices and procedures of the County Courts at Law Nos. 7, 8, and 9 of Bexar County.

S.B. 1250 by Glasgow Intergovernmental Relations
Amending Article 6819a, Vernon's Texas Civil Statutes by adding thereto Article 6819a-51, relating to additional compensation to be paid by Parker County to the District Attorney and District Judge of the Forty-third Judicial District of Texas; repealing paragraphs (e) and (f) of Article 199-43, Vernon's Texas Civil Statutes.

S.B. 1251 by Glasgow Education
Relating to the number of days and the minimum number of hours in a public school week and to the minimum number of hours of attendance required during a regular school term.

S.J.R. 43 by Sarpalius Natural Resources
Proposing a constitutional amendment authorizing the legislature to provide for contributions toward federal crop insurance premiums.

NOTICE OF CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration Executive nominations to agencies, boards and commissions of the State.

COMMITTEE SUBSTITUTE SENATE BILL 341 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 341, Directing and authorizing the Board of Regents, Texas State University System, to replace and repair fire-damaged structures and sites at Sam Houston State University and appropriating funds for such projects. (Submitted by Governor as an emergency)

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend C.S.S.B. 341 by amending Section 1 to read as follows:

SECTION 1. The Board of Regents, Texas State University System, is directed to undertake projects for the replacement and repair of fire-damaged structures and sites at Sam Houston State University, and the board of regents is authorized to commence and complete such projects.

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 341 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 341 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 216 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 216, Relating to licenses and permits and to license fees, user fees, penalties, and other charges connected with the duties, services, and functions of the Parks and Wildlife Department.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 216 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 216 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed.

SENATE BILL 400 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 400, Relating to the limitation of the use of pen registers by the inclusion of pen registers under Article 18.20, Code of Criminal Procedure, 1965 and Article 16.02, Penal Code; and declaring an emergency.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend S.B. 400 by deleting the language after the enacting clause and substitute the following:

SECTION 1. Chapter 18, Code of Criminal Procedure, 1965, is amended by adding Article 18.21 to read as follows:

Art. 18.21. PEN REGISTERS

Sec. 1. DEFINITIONS. In this article:

(1) "Department" means the Department of Public Safety.

(2) "Pen register" means a mechanical or electronic device that attaches to a telephone line and is capable of recording outgoing numbers dialed from that line but is not capable of recording the origin of an incoming communication to that line or the content of a communication carried between that line and another line.

Sec. 2. APPLICATION AND ORDER. (a) A peace officer commissioned by the department may request an attorney for the state to file an application with a judge of the judicial district in which the proposed installation will be made for the installation and use of a pen register to obtain information material to the investigation of a criminal offense. A district or criminal district attorney may on his own motion file an application under this section. The district or criminal district attorney who is acting on his own motion, must make the application personally, and may not do so through an assistant or some other person acting on his behalf.

(b) The application must be made in writing under oath and must include the name of the subscriber, the telephone number or numbers, and the location of the telephone instrument or instruments on which the pen register will be utilized. The application must also state that the installation and utilization of the pen register will be material to the investigation of a criminal offense.

(c) On presentation of the application, the judge may order the installation and utilization of the pen register by a peace officer commissioned by the department, and in the order the judge shall direct a communication common carrier, as defined by Section 153(h), Title 47, United States Code, to furnish all information, facilities, and technical assistance necessary to facilitate the installation and utilization of the pen register by the department unobtrusively and with a minimum of interference to the services provided by the carrier. The carrier is entitled to compensation at the prevailing rates for the facilities and assistance provided to the department.

(d) An order for the installation and utilization of a pen register is valid for not more than 30 days from the date the order is granted, unless prior to the expiration of the order, the district or criminal district attorney who made the original application or the department, through the attorney for the state, applies for and obtains from the court an extension of the order. The period of extension may not exceed 30 days for each extension granted.

(e) The district court shall seal an application and order for the installation and utilization of a pen register granted under this article. The contents of an application or order may not be disclosed except in the course of a judicial proceeding and an unauthorized disclosure is punishable as contempt of court.

SECTION 2. Chapter 16, Penal Code, is amended by adding Section 16.03 to read as follows:

Sec. 16.03. UNLAWFUL USE OF PEN REGISTER. (a) Except as authorized by a court order obtained under Article 18.21, Code of Criminal Procedure, 1965, a person commits an offense if he knowingly installs or utilizes a pen register to record telephone numbers dialed from a telephone instrument.

(b) In this section, "pen register" has the same meaning as is given that term in Article 18.21, Code of Criminal Procedure, 1965.

(c) It is an exception to the application of Subsection (a) of this section that an officer, employee, or agent of a communication common carrier, as defined by Section 153(h), Title 47, United States Code, installs or utilizes a device or equipment to record the numbers dialed from a telephone instrument in the normal course of business of the carrier or assists a peace officer commissioned by the Department of Public Safety in executing an order issued under Article 18.21, Code of Criminal Procedure, 1965.

(d) An offense under this section is a felony of the third degree.

(e) A pen register used in violation of this section is subject to seizure and may be forfeited to the Department of Public Safety in the manner provided for disposition of seized property by Article 18.18, Code of Criminal Procedure, 1965.

SECTION 3. This Act takes effect September 1, 1983.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

MONTFORD
GLASGOW

The amendment was read and was adopted by the following vote: Yeas 18, Nays 13.

Yeas: Blake, Brooks, Brown, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger.

Nays: Caperton, Doggett, Edwards, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Vale, Washington, Whitmire, Williams.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 400 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 400 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Traeger, Washington.

SENATE BILL 144 ON SECOND READING

On motion of Senator Blake and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 144, Relating to the qualifications of the commissioner of mental health and mental retardation.

The bill was read second time.

Senator Blake offered the following committee amendment to the bill:

Amend **S.B. 144** by deleting, beginning on line 10, the sentence:

"Among equally qualified persons, the Board shall give preference to a person who is a physician licensed to practice in this state."

The committee amendment was read.

Senator Jones offered the following substitute for the committee amendment:

Amend **S.B. 144** by adding the following after the word "ability" on line 24 of the printed bill:

Among persons equally qualified as an administrator, the Board shall give preference to a person who is a physician licensed to practice in this state.

The substitute for the committee amendment was read and was adopted.

RECORD OF VOTE

Senator Caperton asked to be recorded as voting "Nay" on the adoption of the substitute for the committee amendment.

Question recurring on adoption of the committee amendment as substituted, the committee amendment as substituted was adopted.

RECORD OF VOTE

Senator Caperton asked to be recorded as voting "Nay" on the adoption of the committee amendment as substituted.

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Caperton asked to be recorded as voting "Nay" on the engrossment of the bill.

SENATE BILL 144 ON THIRD READING

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 144** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Brooks, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Caperton, Montford, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Nays: Caperton, Leedom, McFarland, Montford, Uribe, Vale.

SENATE BILL 482 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 482, Relating to the definition of the term "bet" for purposes of the Penal Code prohibitions against gambling.

The bill was read second time and was passed to engrossment.

SENATE BILL 482 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 482** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Glasgow, Washington.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Blake, Glasgow, Farabee and Howard asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 266 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 266, Relating to the housing functions of the Texas Department of Community Affairs and the Texas Housing Agency.

The bill was read second time and was passed to engrossment.

SENATE BILL 266 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 266** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 624 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 624, Relating to supplemental pay for certain Department of Public Safety commissioned officers.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 624 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 624 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

(President Pro Tempore Jones in Chair)

SENATE BILL 768 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 768, Relating to the regulation of nursing home administrators and to the protection of a nursing home employee who reports the abuse or neglect of a patient.

The bill was read second time.

Senator Doggett offered the following committee amendment to the bill:

Amend **S.B. 768**, by striking (i) (3), SECTION 6, and substituting in lieu thereof, the following:

- (3) A person who sues under this subsection has the burden of proof, but in the event of a determination, by either the Licensing Agency or a court of competent jurisdiction, that the reported case made the subject of the cause of action was one of abuse or neglect, it is a rebuttable presumption that a person's employment was suspended or terminated for reporting abuse or neglect if the person is suspended or terminated within 60 days after making a report in good faith.

The committee amendment was read and was adopted.

Senator Doggett offered the following committee amendment to the bill:

Amend **S.B. 768**, by striking (i) (2) (A), SECTION 6, and substituting in lieu thereof, the following:

(A) reinstatement in his former position or severance pay in an amount equal to three months of the employee's most current salary; and

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 768 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 768** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

SENATE BILL 705 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 705, Relating to a program to screen and treat certain young persons for special senses and communication disorders.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Amend **S.B. 705** by adding a second sentence to subsection (a) of SECTION 9 to read as follows:

(a) Appointments to the advisory committee shall be made with due regard for the race, creed, sex, religion, national origin of the appointees and geographical distribution of the committee.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 705 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 705** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

SENATE BILL 860 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 860, Relating to membership in and benefits from the Employees Retirement System of Texas for elected class service.

The bill was read second time and was passed to engrossment.

SENATE BILL 860 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 860** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

(President in Chair)

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 1 ON
SECOND READING**

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.J.R. 1, Proposing a constitutional amendment to authorize the legislature to exempt from taxation the property of certain veterans' organizations and authorizing taxing units to exempt from taxation certain property of fraternal organizations.

There was objection.

Senator Williams then moved to suspend the regular order of business and take up **C.S.S.J.R. 1** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Harris, Jones, Mauzy, Sims.

The resolution was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 1 ON
THIRD READING**

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Harris, Jones, Mauzy, Traeger, Washington.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Harris, Jones, Mauzy, Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 23 ON SECOND READING

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 23, Relating to the exemption of certain buildings of veterans' or fraternal organizations from ad valorem taxation.

There was objection.

Senator Williams then moved to suspend the regular order of business and take up **C.S.S.B. 23** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Harris, Jones, Leedom, Mauzy, Sims, Traeger.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE

COMMITTEE SUBSTITUTE SENATE BILL 23 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 23** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 24, Nays 7. (Not receiving four-fifths vote of the Members present)

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Harris, Jones, Leedom, Mauzy, Sims, Traeger, Washington.

SENATE RULE 103 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider **S.J.R. 43** at 2:00 o'clock p.m. today.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **S.J.R. 22** at 2:30 o'clock p.m. today.

MEMORIAL RESOLUTIONS

S.R. 305 - By Sims: Memorial resolution for Mrs. Fay M. Hildebrand.

S.R. 306 - By Sims: Memorial resolution for Dee Locklin.

WELCOME RESOLUTIONS

S.R. 303 - By Vale: Extending welcome to Rebecca Bernal, Honorary Page for the Day.

S.R. 304 - By Vale: Extending welcome to Esther Cardenas, Honorary Page for the Day.

RECESS

On motion of Senator Brooks, the Senate at 12:28 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(March 21, 1983)

S.C.R. 48

FORTIETH DAY

(Continued)

(Thursday, March 24, 1983)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

S.B. 176 (Doggett) Relating to preservation of the view of the State Capitol from certain points and prohibition of certain construction. (30-1) Washington "Nay" (31-0)

Senator Doggett offered the following committee amendment to the bill:

Amend **S.B. 176** by striking Section 2 and inserting the following in its place:

"SECTION 2. CONSTRUCTION PROHIBITED. A state agency or institution may not undertake any construction that would block all or part of the view of the capitol dome from any point on the south steps of the Main Building of the University of Texas at Austin or from any point on the terrace adjacent to the Lyndon Baines Johnson Library and Museum."

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 207 (Uribe) Relating to money deposited in the State Treasury by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids that is subject to refund. (30-1) Washington "Nay" (31-0)

S.B. 274 (Glasgow) Relating to the authority of the Texas Department of Health to provide funds by grant or contract for the purchase of services, supplies, and equipment for public health purposes. (30-1) Washington "Nay" (31-0)